

United States Court of Appeals
For the Eighth Circuit

No. 14-1878

United States of America

Plaintiff - Appellee

v.

Juan Rafael Cano-Lima

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: October 14, 2014

Filed: October 23, 2014

[Unpublished]

Before COLLOTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Juan Cano-Lima appeals the within-Guidelines-range sentence the District Court¹ imposed after he entered into a written plea agreement and pleaded guilty to

¹The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas.

an immigration offense. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of Cano-Lima's sentence. Upon careful review, we dismiss this appeal pursuant to an enforceable appeal waiver in the plea agreement. See United States v. Andis, 333 F.3d 886, 889–92 (8th Cir.) (en banc) (describing the circumstances under which the appellate court should enforce an appeal waiver and dismiss the appeal), cert. denied, 540 U.S. 997 (2003).

As for counsel's motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement The Criminal Justice Act of 1964. We therefore deny counsel's motion to withdraw as premature, without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Amendment.

Judge Colloton would grant counsel's motion to withdraw. See United States v. Eredia, No. 13-3538, 2014 WL 4920905, at *1 (8th Cir. Oct. 2, 2014) (unpublished) (Colloton, J., concurring in part and dissenting in part).
